



To the Honorable Council
City of Norfolk, Virginia

January 27, 2015

From: David L. Ricks, Director of Public Works

Subject: Encroach into Boush Street
right-of-way at 720 Boush Street with
an access ramp.

Reviewed:

Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-5

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Va-Norfolk-720 Boush Street
720 Boush Street
Norfolk, Virginia 23510
- III. **Description**
This agenda item is an ordinance permitting Va-Norfolk-720 Boush Street to encroach into Boush right-of-way at 720 Boush Street with an access ramp.
- IV. **Analysis**
An encroachment is an object or structure that infringes into the City of Norfolk's right-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments onto city right-of-way or property to be approved by City Council. This encroachment in this location will allow Va-Norfolk-720 Boush Street to access their raised floor building at 720 Boush Street by using a ramp.
- V. **Financial Impact**
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$500,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.
- VI. **Environmental**
There is no negative environmental impact associated with this action.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The Department of Public Works and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

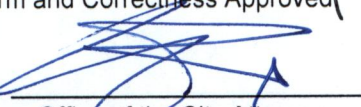
IX. Coordination/Outreach

This letter has been coordinated with Department of Public Works, the Department of Planning and Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (1 sheet)

Form and Correctness Approved

By 
Office of the City Attorney


Contents Approved:

By 
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING VA-NORFOLK-720 BOUSH STREET, LLC TO ENCROACH INTO BOUSH STREET RIGHT-OF-WAY AT 720 BOUSH STREET WITH AN ACCESS RAMP.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Va-Norfolk-720 Boush Street, LLC (hereinafter known as "Owner") to encroach into Boush Street right-of-way at 720 Boush Street with an access ramp, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation Owner, or its successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof the authority hereby granted shall cease and terminate.
- (3) That Owner, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring it and naming the City of Norfolk as an additional insured in the minimum amount of \$500,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Owner, and its successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said encroaching structure; that evidence of such

insurance shall be filed with the Director of Risk Management of the City of Norfolk.

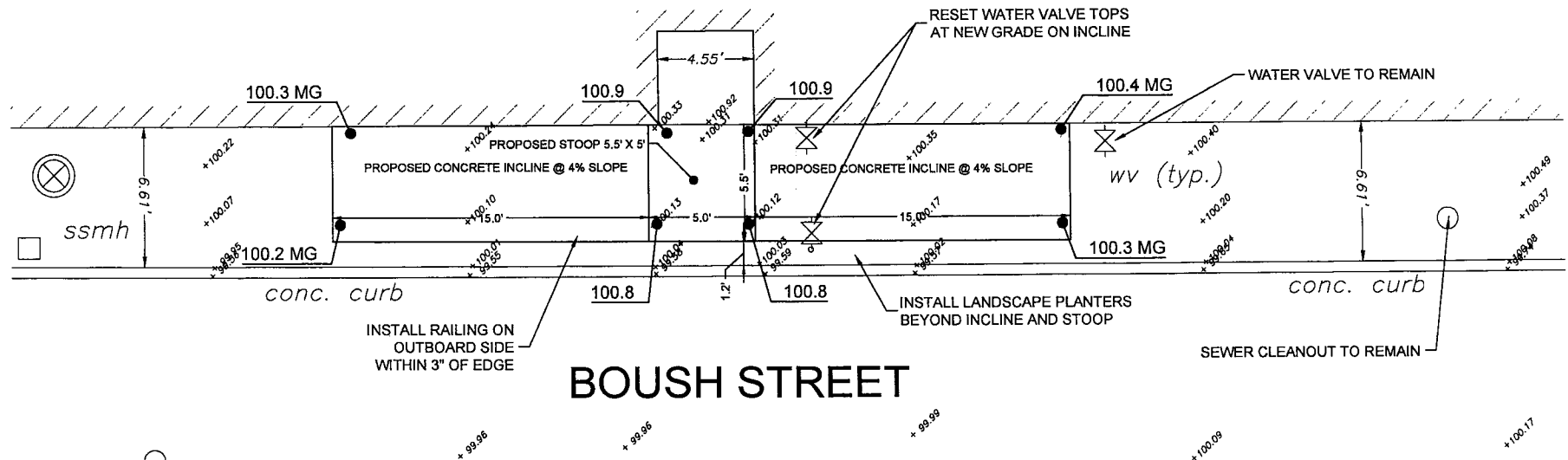
- (4) That the City of Norfolk shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way of Boush Street.
- (5) That the Owner will install railings on the outboard side within 3" of the edge of the structure.
- (6) That the Owner will install planter as noted on plans.
- (7) That the Owner will reset the existing water and sewer fixtures within the incline.

Section 2:- That the failure of Owner, or its successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Owner, and its successors and assigns, of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

NOTE:
UTILIZING A 5% SLOPE THE LENGTH
OF THE PROPOSED RAMPS COULD
BE REDUCED BY 3' TO 12' IN LENGTH

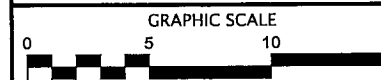


SITE DEVELOPMENT EXHIBIT

WTKR BUILDINGPROPOSED ACCESS RAMP
LOCATED ON BOUSH STREET

NORFOLK

VIRGINIA



Drawn	CAD	Project NF12-534
Check	BDM	Date 12 / 11 / 14
Ref. #		Scale 1" = 5'

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Civil Solutions

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